

HON. BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

AARON STEWART, an individual,

Plaintiff,

vs.

EXTRA SPACE STORAGE, a foreign  
corporation and CITY OF TACOMA, a public  
entity,

Defendants.

EXTRA SPACE STORAGE, a foreign  
corporation,

Counterclaimaint,

v.

AARON STEWART, an individual,

Counterclaim Defendant.

No. 3:23-cv-05786-BHS

STIPULATION AND ORDER FOR  
PLAINTIFFS TO FILE AN  
AMENDED COMPLAINT UNDER  
RULE 15(A)(2) AND FOR  
ISSUANCE OF A NEW CASE  
SCHEDULE

NOTE ON MOTION CALENDAR:  
June 14, 2024

Under Civil Local Rule 15, Plaintiff AARON STEWART and Defendants EXTRA SPACE STORAGE and CITY OF TACOMA (collectively, the “Parties”) jointly submit the following Stipulation.

WHEREAS, Plaintiffs filed the Complaint in this action on August 31, 2023, ECF No. 1;

STIPULATION AND ORDER FOR  
PLAINTIFFS TO FILE AN AMENDED  
COMPLAINT UNDER RULE 15(A)(2)  
AND FOR ISSUANCE OF A NEW CASE  
SCHEDULE

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1 WHEREAS, on April 15, 2024, Plaintiffs submitted the Pierce County Tort Claim  
2 Form to City of Tacoma Office of Risk Management;

3 WHEREAS, Plaintiff's claims under the Washington State Law become ripe on June  
4 14, 2024;

5 WHEREAS, Federal Rule of Civil Procedure 15(a)(2) provides that leave to amend  
6 should be granted freely with the opposing party's written consent;

7 WHEREAS, the Parties met and conferred, then Defendants, agreed to stipulate to  
8 Plaintiff filing the Second Amended Complaint, attached as Exhibit A, that adds Pierce  
9 County, a public entity.

10 WHEREAS, the amended complaint does expand the scope of discovery and  
11 warrants the Court to alter the deadlines set by the Court in due course:

12 WHEREAS, Defendant City of Tacoma takes no position with regard to the liability  
13 of Pierce County.

14 WHEREAS, should the Court grant this Motion, the Plaintiff will file the Second  
15 Amended Complaint and serve Piece County as soon as possible but no later than 90-days  
16 from when the Second Amended complaint is filed.

17 WHEREAS, within 15 days of filing the Second Amended Complaint, Plaintiff will  
18 initiate a conference between the parties for the purpose of discussing a new trial date and  
19 corresponding deadlines.

20 WHEREAS, within 30 days of filing the Second Amended Complaint, the parties will  
21 submit a proposed revised case schedule.

22 IT IS HEREBY STIPULATED by and between the Parties, through their counsel,  
23 that Plaintiffs may file the Second Amended Complaint.

24 //

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

DATED: May \_\_\_\_\_, 2024

By \_\_\_\_\_  
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DATED: May \_\_\_\_\_, 2024

By \_\_\_\_\_  
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DATED: May \_\_\_\_\_, 2024

By \_\_\_\_\_  
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DATED: May \_\_\_\_\_, 2024

By \_\_\_\_\_  
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**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

IT IS FURTHER ORDERED that under Local Civil Rule 15, Plaintiffs shall file and serve through ECF the amended pleading on all parties within fourteen (14) days of the Order granting the stipulation for Plaintiffs to file the amended complaint.

DATED this 14th day of June, 2024.



BENJAMIN H. SETTLE  
United States District Judge